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Note verbale dated 29 September 2004 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and with reference to the latter's note verbale No. SCA/10/04/(02) dated 21 June 2004, has the honour to transmit herewith the report of the Government of the United Kingdom of Great Britain and Northern Ireland in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 29 September 2004 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Report of the United Kingdom of Great Britain and Northern Ireland on the implementation of Security Council resolution 1540 (2004)

1. The unanimous adoption of Security Council Resolution 1540 (2004) on 28 April 2004 was an historic event. This was the first Security Council resolution to address the threat that proliferation of weapons of mass destruction and their means of delivery, in particular by non-state actors, poses to international peace and security. The United Kingdom strongly believes that this threat can best be tackled through effective multilateralism.

2. The United Kingdom has taken a range of legislative and executive measures that ensure compliance with SCR 1540. We continuously review our policies, with a view to establishing what further measures may be necessary.

3. We are also fully committed to the work of the 1540 Committee in ensuring global implementation of this resolution, including – where appropriate – through providing assistance or advice to others.

Legislative action

4. The United Kingdom has a wide range of legislative measures in place to prevent the proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, including by non-state actors. The centrepieces of this legislative framework are the Biological Weapons Act (1974), the Chemical Weapons Act (1996), the Anti-Terrorism, Crime and Security Act (2001), and the Export Control Act (2002) which entered into force on 1 May 2004.

5. Detailed responses as to how the UK's legislative framework relates to specific issues raised in SCR 1540 are set out below.

Executive action

6. The Counter-Proliferation Committee (CPC) is the UK's principal co-ordination mechanism for strategic counter-proliferation policy. It was formed in July 2002, bringing together policy and operational issues that had previously been addressed by separate bodies. It includes senior officials from the relevant policy departments, and the intelligence community.

7. The cross-departmental Counter-Proliferation Implementation Committee (CPIC) is responsible for actions to put into effect the UK's counter-proliferation strategies and initiatives. Among its other functions, the CPIC co-ordinates more tactical or technical policy development and provides guidance on priorities for the work of individual Whitehall departments.

8. The CPIC monitors national implementation of SCR1540, and has overseen the preparation of the United Kingdom's response to the 1540 Committee.

Encouraging compliance

9. In order to raise awareness about the UK's legislative requirements and recommendations, the Department of Trade and Industry (DTI) undertakes regular compliance visits to British exporters to ensure that they understand the relevant export controls and are operating within the terms of their licences. In addition, a code of practice has been drawn up to promote effective export control compliance by exporters. Relevant information is published and circulated widely, including on government web-sites. (Further details are set out below.)

Enforcement action

10. Action to enforce export controls is co-ordinated by the cross-departmental Restricted Enforcement Unit (REU), which reports to the CPIC. The Restricted Enforcement Unit (REU) is the expert level group that acts on intelligence relating to attempted breaches of UK export controls or other attempts to supply sensitive items to countries or other entities of concern. It is chaired by the Department of Trade and Industry (DTI) and includes representatives from a wide range of departments and agencies. The REU helps identify and disseminate relevant information, and recommend appropriate courses of action.

11. Her Majesty's Customs and Excise (HMCE) has lead responsibility for preventing the import and export of unlicensed goods, investigating offences, and taking appropriate action including – if necessary - prosecution of offenders. Decisions to prosecute are taken by the Customs and Excise Prosecution office in consultation with investigators and administrators. In all cases considered for prosecution, HMCE is bound to act in accordance with the Code for Crown Prosecutors, Criminal Procedures and Information Act (1996), and the Attorney General's Guidelines on Disclosure of Information in Criminal Proceedings.

In the European Union

12. The United Kingdom has worked to help establish effective policies within the European Union (EU) to prevent WMD proliferation, and will continue to do so. The Thessaloniki European Council in June 2003 agreed that preventing the proliferation of WMD should be a priority for the Union, both internally and in its relations with third countries, and agreed an Action Plan for addressing the issue. In December 2003 the European Council approved a strategy for preventing the proliferation of WMD.

13. The EU is in the process of implementing its strategy against WMD proliferation. For example, in November 2003 the EU agreed a model non-proliferation clause to be included in all future EU-third country mixed agreements. In May 2004 the EU agreed to fund certain IAEA projects,

including projects aimed at improving the physical protection of radioactive sources in South East Europe, Central Asia and the Caucasus. EU Member States are in the process of completing a Peer Review of export control policies and practices in order to disseminate good practice. And, following the IAEA General Conference's endorsement of the Code of Conduct on the Safety and Security of Radioactive Sources, terms of reference for démarches were agreed to support the Code. These démarches have now been completed and the results shared with the IAEA.

14. As the UK is a member of the EU, reference is made to the EU Common Report that will be transmitted to the UNSC 1540 Special Committee separately. This EU Report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

International instruments

15. The United Kingdom is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as well as the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC). The relevant prohibitions are enacted in UK law.

16. The UK has adopted an Additional Protocol to its IAEA Safeguards Agreement. This was enacted in UK law by the Nuclear Safeguards Act 2000. Following a decision that all EU Member States should bring their Additional Protocols into force simultaneously, the Additional Protocol entered into force in the UK on 30 April 2004.

17. In addition, the UK is an active member of the following export control regimes: Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), Zangger Committee, the Australia Group, and the Wassenaar Arrangement. The export control regimes play an important role in agreeing control lists and raising international standards of export controls. The UK is also a signatory to the International Code of Conduct against Ballistic Missile Proliferation (also known as the Hague Code of Conduct).

18. Since September 2001, the Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), the Australia Group, and the Wassenaar Arrangement have all formally adopted 'counter-terrorism clauses' that aim to deny terrorists access to the items they control. These export control regimes have followed up with increased information exchanges to improve awareness of possible procurement attempts by terrorists.

19. The UK also helped establish the Proliferation Security Initiative (PSI). The PSI aims to help prevent trafficking in nuclear, chemical and biological weapons and related material, by both State and non-state actors. The PSI Statement of Principles, agreed at Paris on 4 September 2003, makes clear that all action will be consistent with national legal authorities and international legal frameworks.

20. The UK encourages all States to align themselves with the purposes and instruments of these groupings.

Technical Assistance to Other States

21. The United Kingdom recognises that some States may require assistance in implementing the provisions of this resolution within their territories. The UK is willing to provide assistance as appropriate to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources needed to fulfil the provisions of SCR1540.

22. The UK is already active in this area. We have committed up to US$750 million over ten years to the Global Partnership, launched at the 2002 G8 Summit in Canada to give renewed impetus to the co-operative threat reduction efforts of all the G8 countries. The G8 Summits at Evian (2003) and Sea Island (2004) extended the Partnership to include non-G8 contributors. Further information can be found in the UK's 2003 report 'The Global Partnership' (www.dti.gov.uk); a further UK report will be published before the end of 2004.

23. The UK contributes to the IAEA Nuclear Security Fund. The fund supports programmes aimed at combating nuclear terrorism. Our total contributions since the fund's inception in 2002 come to over £950,000.

24. The UK has provided advice on CWC and BTWC implementation to a range of States Party and potential States Party, either bilaterally or in conjunction with the OPCW Technical Secretariat. At the 2003 BTWC Experts' Meeting the UK circulated a list of governmental experts that could provide advice on BTWC implementation and bio-security measures.

25. The UK also has an active export control outreach programme. We have carried out outreach visits to a number of States, including some trans-shipment hubs. These visits have allowed us to address issues connected with effective implementation of export controls, and provide advice and assistance where required. These contacts also build the links that facilitate exchange of information, advice on specific cases, and assistance where required.

September 2004

Comments in relation to the specific issues raised byresolution 1540 (2004)

Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

The UK does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any and all such support is prohibited under UK law. Appropriate UK legislation is detailed below.

Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them

Action taken:

As a party to the Biological and Toxin Weapons Convention (BTWC), and the Chemical Weapons Convention (CWC), the obligations in these conventions are fully enacted in UK law.

The Biological Weapons Act (1974) establishes the offence of possessing, developing or helping to develop, trafficking or brokering in biological weapons (including means of delivery designed to use such agents). This offence applies to acts done outside the United Kingdom, if they are done by a United Kingdom national or body incorporated under UK law. The maximum penalty for this offence is life imprisonment. The Anti-terrorism, Crime and Security Act (2001) also establishes the offence of using or threatening to use noxious substances to cause harm and intimidate (section 113).

Similarly, the Chemical Weapons Act (1996) establishes the offence of using, possessing, developing or helping to develop, trafficking or brokering in chemical weapons (including means of delivery designed to use such agents). This offence applies to acts done outside the United Kingdom, if they are

done by a United Kingdom national or body incorporated under UK law. The maximum penalty for this offence is life imprisonment.

The Anti-terrorism, Crime and Security Act (2001) establishes the offence of using, possessing, developing or helping to develop, trafficking or brokering in nuclear weapons. This offence applies to acts done outside the United Kingdom, if they are done by a United Kingdom national or body incorporated under UK law. The maximum penalty for this offence is life imprisonment.

The Anti-terrorism, Crime and Security Act (2001) also establishes the offence of aiding, abetting, counselling or procuring a non-UK person overseas to commit a chemical, biological, or nuclear weapons offence. This offence applies to acts done outside the United Kingdom, if they are done by a United Kingdom national or body incorporated under UK law.

Ongoing/Planned action:

The UK has just introduced secondary legislation on the transfer of uranium enrichment technology. This entered into force on 11 August 2004.

The Uranium Enrichment Technology (Prohibition on Disclosure) Regulations (2004) make it a serious offence to make unauthorised disclosures of uranium enrichment technology. This technology is used in the civil nuclear industry in the production of fuel for nuclear reactors. The technology can however also be used to produce weapons grade uranium and has been sought by those seeking to develop nuclear weapons. The rationale behind the regulations is that uranium enrichment technology should not be allowed to circulate freely, including within the UK, because the technology may find its way to a proliferator. This offence also applies to acts done outside the United Kingdom, if they are done by a United Kingdom national or body incorporated under UK law.

Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a)Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport

Action taken:

Nuclear. The UK is party to the Treaty Establishing the European Atomic Energy Community (Euratom), chapter 7 of which concerns nuclear safeguards. These safeguards are implemented by the European Commission, which is tasked under the Treaty with satisfying itself that civil nuclear material is not diverted from declared uses. Operating records must

be kept in order to account for these materials. The European Commission maintains an inspectorate which has responsibility for verifying these records. The UK submits its nuclear material accountancy reports to this inspectorate and Commission inspectors are given access to all places, data and persons in the UK to the extent necessary to verify that the UK is compliant with the non-diversion provision.

In addition, the UK has in place a 'voluntary offer' safeguards agreement with the International Atomic Energy Agency (IAEA) and the European Atomic Energy Community. This agreement means that UK accountancy reports for civil nuclear material are provided to the IAEA (via the European Commission) and the IAEA has the option of designating any UK civil nuclear facility, or part thereof, for its safeguards inspections. An Additional Protocol to this agreement also came into force on 30 April 2004, aimed at both improving the IAEA's ability to detect undeclared nuclear activities and improving the efficiency of safeguards implementation at UK facilities. The Nuclear Safeguards Act (2000) provides the requisite powers for the collection of information and access by IAEA inspectors required by the UK Additional Protocol.

Chemical. In order to ensure that it is meeting its obligations under the CWC, the UK has established a national licensing system for the production, possession, and use of chemicals included in Schedule 1 of the CWC. All producers, possessors and users of such chemicals must be licensed by the Department of Trade and Industry (DTI). In addition, any person wishing to import into or export from the UK a Schedule 1 chemical must obtain a licence from the DTI. This regulatory system, as a whole, aims to ensure that the UK meets the Schedule 1 national ceilings specified in the CWC, that the chemicals are only used for purposes not prohibited by the CWC, and that the CWC's conditions on transfers are met.

The UK has also established a detailed reporting system whereby producers, processors, consumers, importers and exporters of chemicals listed in the Convention's schedules of chemicals provide relevant information to the DTI, which is then collated and transmitted to the OPCW. The OPCW undertake inspections to verify the information provided and are given access to people, places and data in accordance with the UK's obligations under the CWC.

Biological. The European Commission Directive on Biological Agents (2000/54/EC) includes a duty to notify the competent authority (in this case the UK Health and Safety Executive (HSE)) of an intention to work with certain groups of biological agents and, in some cases, specific biological agents. The Directive is implemented in the UK via the Control of Substances Hazardous to Health regulations (COSHH). COSHH requires that certain activities involving specified biological agents should be notified to HSE. The information required includes the name and address of the employer and the address where the biological agent will be stored; the identity of the biological agent; the results of a detailed risk assessment; and the preventative and protective measures that will be taken to ensure the health and safety of employees. HSE's Biological Agents Unit is responsible for collecting and assessing this information. There are similar legal requirements of notification

with respect to premises and activities involving Genetically Modified Organisms (GMOs) in containment facilities. The Genetically Modified Organisms (Contained Use) Regulations (2000) form the legal basis for these requirements.

The Importation of Animal Pathogens Order (1980), IAPO, as amended prohibits the importation from third countries of animal pathogens (agents that may cause disease in farmed livestock or poultry) and carriers of such animal pathogens, except under licence. Licences are conditional and lay down certain requirements, such as the preparation of the material to be imported and its handling and disposal at the laboratory of destination. Restrictions are also placed on domestic transfers of imported material. The Specified Animal Pathogens Order (1998), SAPO, prohibits the possession of certain specified animal pathogens, and the possession of any carrier containing such a pathogen, except under licence. The Plant Health (Great Britain) Order (1993), as amended, prohibits the import, movement and keeping of certain plants, plant pests (including pathogens) and other material which poses a risk to plant health. Certain work on such plant pests etc. may be carried out under licence in accordance with European Commission Directive 95/44/EC, subject to detailed quarantine and containment conditions.

Licences are only issued where laboratories have the necessary operating procedures and facilities to ensure the safe containment, handling and disposal of the pathogens concerned. Licensing under IAPO, SAPO and the Plant Health Order is administered by the Department for Environment, Food and Rural Affairs in England, The Scottish Executive Environment and Rural Affairs Department in Scotland and by the Agriculture and Rural Affairs Department of the National Assembly for Wales in Wales. Separate but similar legislation and arrangements apply in Northern Ireland.

Transport. Regulation 24 of the Carriage of Dangerous Goods by Road Regulations (1996), as amended, addresses the need for appropriate parking and supervision of vehicles carrying dangerous goods other than explosives or radioactive material. Similar provisions for vehicles carrying explosives or radioactive material are contained in Regulations 20 and 22 of the Carriage of Explosives by Road Regulations (1996) and in Regulation 36 of the Radioactive Material (Road Transport)(Great Britain) Regulations (1996) respectively.

Ongoing/Planned action:

From 1 July 2005, a comprehensive set of transport security measures will become mandatory. The measures stem from UN model regulations (13th edition) on the transport of dangerous goods across all transport modes, published in January 2003. The agreed measures set down basic security provisions for the transport of dangerous goods covering their consignment, the security of sites where they are stored during transit, and the training of those involved. In respect of toxic and infectious substances, radioactive material and other high consequence dangerous goods, operators are required to draw up additional stringent security plans.

In the interim period, the UK introduced on 6 February 2004 a Code of Practice for the security of dangerous goods by road. A similar Code of Practice for the security of dangerous goods by rail will be introduced shortly.

The UK is considering what further action may be necessary.

(b)Develop and maintain appropriate effective physical protection measures

Action taken:

Nuclear. The UK has ratified the Convention on the Physical Protection of Nuclear Material. The Nuclear Material (Offences) Act (1983) gives effect within the UK to the mutual judicial assistance provisions of this Convention in relation to a range of offences related to nuclear material.

The UK also applies physical protection to nuclear material under its jurisdiction in accordance with Nuclear Suppliers Group (NSG) guidelines. The Nuclear Industries Security Regulations (2003) set out requirements relating to the physical protection of civil nuclear material and uranium enrichment technology in use, storage and transport (including transport on a UK-flagged vessel). Those holding such material and technology are required to have approved security plans. The regulations are enforced by an independent regulator, the Office for Civil Nuclear Security (OCNS).

Civil nuclear sites, as well as nuclear material in transport, are protected by a dedicated and specialised police force, the UK Atomic Energy Authority (UKAEA) Constabulary. The Constabulary is authorised to deploy armed police officers to protect nuclear material. (From 1 April 2005, the UKAEA Constabulary will be established as a stand alone police force known as the Civil Nuclear Constabulary).

Biological and Chemical. The provisions set out in Part 7 (and Schedules 5 and 6) of the Anti-Terrorism, Crime and Security Act (2001) place an obligation on managers of laboratories and other premises holding stocks of specified disease-causing micro-organisms and toxins to notify the police that they are holding such materials; and to comply with any reasonable security requirements which the authorities may impose. It also requires managers of laboratories and other premises to furnish the police on request with details of persons with access to any of the specified dangerous substances held there. The Home Secretary is given power to direct that a named individual must not be allowed access to such disease strains or the premises in which they are held.

As outlined above, the UK has established a national licensing system for the production, possession, and use of chemicals included in Schedule 1 of the CWC. To obtain a licence, organisations need to have appropriate procedures in place to ensure the chemicals will be used and disposed of in accordance with UK regulations.

Planned action:

The UK has actively supported the drafting of an amendment to widen the scope of the Convention on the Physical Protection of Nuclear Material to include civil nuclear material in domestic use, storage and transport. The UK encourages States Party to request the IAEA to convene a conference as soon as possible to consider this proposed amendment.

The UK is considering what further action may be necessary.

(c)Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law

Action taken:

The Customs and Excise Management Act (1979); European Community Customs Code (EC2913/92); and Finance Act (1994) give Customs officers the power to require information in relation to goods imported or exported. Where there are grounds to believe that a declaration as to the ultimate destination of the goods is false, the goods may be detained and ultimately forfeited.

The Customs and Excise Management Act (1979) also gives Customs officers, police, coastguard or armed forces the power (subject to rights of innocent passage through territorial waters under the Law of the Sea Convention) to stop and search vehicles or vessels on suspicion of carrying prohibited goods. Under this Act it is also an offence to export or to attempt to export goods contrary to a restriction or prohibition. This applies also to goods in transit. The maximum penalty for this offence is 10 years imprisonment plus an unlimited fine. It is also an offence to knowingly acquire possession of goods with the intent to evade an import prohibition or restriction. The maximum penalty for this offence is 7 years imprisonment.

The European Community Customs Code (EC2913/92) grants Customs authorities the power to examine goods and take samples for the purpose of verifying a customs declaration.

Planned action:

Programme Cyclamen provides the capability to routinely screen all forms of traffic at UK points of entry for the illicit movement of radioactive materials. It is a key element of the UK's counter terrorism programme and is one of a wide range of measures designed to ensure that the UK is protected from and resilient against attack. Trials began in 2002-03, with rollout ongoing over the next three years.

(d)Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Action taken:

The Export Control Act (2002) entered into force on 1 May 2004. It replaced existing export control powers and extended them. New secondary legislation made under the Act, which came into force at the same time, consolidated previous secondary legislation and imposed a new range of controls. The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order (2003) provided for new controls on transfers of technology and software for military goods by electronic means, transfers by any means of technology in connection with a nuclear, chemical or biological weapons programme, and technical assistance in connection with such programmes.

Under the Export Control Act (2002), a licence is required for trafficking and brokering activities in military equipment, which take place wholly or partly in the United Kingdom. Full extraterritorial controls were introduced on UK persons whose activities facilitate the supply of military equipment to embargoed destinations, and the export of torture equipment or long-range missiles to any destination. The Act also introduced new controls on the transfer abroad of military technology by electronic means, and the transfer of technology by any means, or the provision of technical assistance overseas, which is or may be intended for use in connection with a nuclear, chemical or biological programme. The maximum penalty for offences related to this legislation is imprisonment for up to 10 years and an unlimited fine.

The Trade in Goods (Control) Order (2003) provided for new controls on trade (trafficking and brokering) in military, paramilitary and certain other goods between countries outside the UK. The controls on trade in restricted goods, which includes long-range missiles and specially designed components, is fully extraterritorial in nature in that any activity by a UK person anywhere in the world to trade in such missiles and components is prohibited without a licence. The maximum penalty for offences related to this Order is imprisonment for up to 2 years and an unlimited fine.

This legislation enables the UK to control the export of items listed by the various export control regimes, such as Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), Zangger Committee, the Australia Group, and the Wassenaar Arrangement.

Planned action:

None at present, since the Export Control Act and the secondary legislation introduced under it are new and have only recently entered into force. However, in the light of recent developments the UK is re-analysing its domestic legislation and enforcement mechanisms to identify whether any additional measures may be required.

Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons

The UK is a State party to the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC); and the Biological and Toxin Weapons Convention (BTWC). The UK is an active member of the IAEA and OPCW, and is active in the continuing work by States Party to the BTWC to strengthen its implementation.

Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists

Action taken:

The UK is a strong supporter of effective multilateral export control regimes, and is working to raise international standards. The UK is an active member of the Nuclear Suppliers' Group, the Australia Group, the Missile Technology Control Regime, the Zangger Committee, and the Wassenaar Arrangement. The UK maintains and regularly updates detailed national export control lists.

Ongoing/Planned action:

The UK has an ongoing active outreach programme both bilaterally and in support of the Chairs' of the various export control regimes. It is UK policy to encourage non-member states of the export control regimes to adhere to regime guidelines on export controls.

We are continuing to work to ensure that the multilateral export control regimes respond in a timely fashion to developments. Examples include the recent adoption of controls on Man Portable Air Defence Systems (MANPADS) by the Wassenaar Arrangement, and moves to introduce

controls in the Australia Group on sprayer systems capable of disseminating biological agents. In both cases, the UK played a key role in securing agreement to these changes, which have been made in response to a developing terrorist threat in these areas.

Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

The UK recognises that some States may require assistance in implementing the provisions of this resolution within their territories.

The UK is willing to provide assistance as appropriate in response to specific requests from States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of SCR1540.

Requests for assistance should be directed in the first instance to Ms. Samantha Purdy at the UK Mission to the UN in New York.

Paragraph 8

Calls upon all States:

(a)To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons

Action taken:

The UK has long promoted the universal adoption and full implementation of the main multilateral disarmament and non-proliferation treaties, and will continue to do so.

In addition to bilateral action over many years, as part of the EU's Action Plan to prevent the proliferation of WMD, in November 2003 the EU agreed a Common Position (legally binding on all EU Member States) on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery. This Common Position promotes ratification of and adherence to:

- the NPT, Safeguards Agreements, and IAEA Additional Protocol

- CWC
- BTWC
- International Code of Conduct against Ballistic Missile Proliferation (also known as the Hague Code of Conduct)

and promotes early entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT).

The EU is also carrying out a series of démarches to encourage States to conclude a Comprehensive Safeguards Agreement with the IAEA, and to promote the universalisation of the IAEA Additional Protocol.

In November 2003, the EU agreed a model non-proliferation clause to be included in all future EU-third country mixed agreements. This clause requires the parties to the agreement to co-operate and contribute to countering the proliferation of WMD and their means of delivery through full compliance with and national implementation of their obligations under international disarmament and non-proliferation treaties and agreements, and other relevant international obligations.

Planned action:

Both as an EU Member State, a State Party to all the main multilateral agreements, and a Depository State for the BTWC, the UK will continue to promote the universal adoption and full implementation, and where necessary strengthening, including through extension to territories, of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

(b)To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties

Action taken:

The UK has adopted appropriate legislation to ensure compliance with commitments under the key multilateral non-proliferation treaties and disarmament conventions. Details of the legislation are included above.

Planned action:

The UK believes that it is already fully compliant with its commitments under the key multilateral non-proliferation treaties and disarmament conventions. No further action is currently foreseen.

(c)To renew and fulfil their commitment to multilateral co-operation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international co-operation for peaceful purposes

Action taken:

The UK continues to provide full support for the aims and activities of the IAEA, both as a State party to the NPT and as a member of the IAEA Board of Governors. The UK also provides substantial extra-budgetary support, including through a technical support programme designed to assist the IAEA's safeguards efforts. In particular, the UK has contributed to the project to re-engineer the IAEA Safeguards Information System; is helping provide some specialist training for IAEA inspectors; and is providing expertise to support the IAEA's nuclear security programme.

The UK continues to provide full support for the aims and activities of the OPCW, both as a State party and a member of the Executive Council. Our commitment is also shown in the provision of additional support, for example in relation to inspectors' training, national implementation of the CWC, and promoting the safe and peaceful development of the chemical industry in States Party to the CWC.

As a Depository of the BTWC and a strong advocate of the 3-year work programme agreed at the 5th review conference in 2002, the UK remains fully committed to strengthening the Convention. The UK sent teams of experts to and presented a number of papers at the BTWC meetings in 2003 and 2004 and actively participated in the discussions on the agreed work programme, contributing to the promotion of common understanding and effective action. We will work to ensure a successful conclusion to the 2004 and 2005 programmes of work and to a successful review conference in 2006.

Planned action

The UK is to chair the BTWC Meetings in 2005 which will discuss the possible content, promulgation and adoption of Codes of Conduct for scientists. We intend to circulate our ideas more widely later in the year.

(d)To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws

Action taken:

Principally through the Department for Trade and Industry (DTI), the UK government has tried to develop a close working relationship with industry. This has been achieved through an ongoing series of industry-government seminars and workshops, and through establishing joint task forces and

committees. Between October 2003 and February 2004, some 20 seminars were held around the UK on the Export Control Act, in association with the Defence Manufacturers Association. The seminars reached were attended by around 1600 people, and a programme of regional seminars continues. An Export Control Advisory Committee has been set up which is made up from representative Trade Associations and members of the Government Export Control Community to discuss areas of concern and the way forward.

The UK government also provides advice and assistance to industry and academia in meeting their obligations under the various disarmament and non-proliferation legislation. For example, DTI provides an advisory escort team, including technical advisers from the MOD's Defence Science and Technology Laboratory (DSTL) to assist any company being inspected by the OPCW.

Relevant information is disseminated through UK government websites, publications and leaflets. A DVD explaining the licensing process was recently released. Comprehensive information on export controls, including guidance material, can be found on the Export Control Organisation website at www.dti.gov.uk/export.control

As part of the EU's strategy against WMD proliferation, EU Member States are also committed to fostering the dialogue with industry to reinforce awareness of problems related to nuclear, chemical or biological weapons programmes, related materials, and their means of delivery.

Planned action

The UK is considering what further action may be necessary.

Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery

The UK continues to promote dialogue and co-operation on non-proliferation in a range of fora so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials

Action taken:

Bilaterally, the UK works with a range of partners to prevent illicit trafficking in nuclear, chemical or biological weapons and related materials, and their means of delivery. Where appropriate, we also provide technical assistance to other States. The UK is active in the various law enforcement expert meetings of the proliferation control regimes, disseminating trend information and case studies, and discussing lessons learned and identified best practice.

The UK is also active multilaterally.

As a member of the G8, the UK subscribed fully to the Kananaskis Principles to prevent terrorists, or those that harbour them, from gaining access to weapons or materials of mass destruction. The Principles were agreed at the G8 Summit in Alberta in 2002, and include the commitment to: "Develop and maintain effective border controls, law enforcement efforts and international co-operation to detect, deter and interdict in cases of illicit trafficking in such items, for example through installation of detection systems, training of customs and law enforcement personnel and co-operation in tracking these items; provide assistance to States lacking sufficient expertise or resources to strengthen their capacity to detect, deter and interdict in cases of illicit trafficking in these items."

The UK is a full and active participant in the Proliferation Security Initiative (PSI). The PSI aims to help prevent trafficking in nuclear, chemical and biological weapons and related material, by both State and non-state actors. The PSI Statement of Interdiction Principles, agreed at a PSI Plenary meeting in Paris on 4 September 2003, makes clear that all action will be consistent with national legal authorities and international legal frameworks. A public EU statement in support of PSI was adopted by the General Affairs and External Relations Council on 17 May 2004. To date, more than 70 States have expressed support for the Initiative. The UK has hosted one PSI Plenary meeting, as well as two operational expert meetings and a tabletop air interception exercise (as well as taking part in several other PSI exercises). Further information on the PSI can be found at http://www.proliferationsecurity.info/.

As part of our effort to prevent illicit trafficking in nuclear, chemical and biological weapons and related material, the UK is in the process of negotiating bilateral boarding agreements with a number of States.

The UK also strongly supports proposals to amend the UN Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), that would make transport of certain items of proliferation concern an offence and would extend the ship boarding and law enforcement provisions of the SUA to the transport of those items

Planned action:

The UK is considering what further action may be necessary, and will discuss proposals with partners in the autumn.

Additional information on the UK's policies against the proliferation of nuclear, chemical or biological weapons, related material, and their means of delivery, can be found at www.fco.gov.uk/internationalsecurity